

DIEMER, WHITMAN & CARDOSI, LLP
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ATTORNEYS FOR
 JAIMEE BRUNO

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAIMEE BRUNO, a minor, by and
 through her Guardian Ad Litem, DENISE
 BRUNO,

Plaintiff,

vs.

SAN JOSE UNIFIED SCHOOL
 DISTRICT and DOES 1-50,

Defendants.

Case No. 07-C-02179 JF

CERTIFICATION THAT SETTLEMENT
 CONSIDERATION HAS NOT BEEN
 DELIVERED AND REQUEST TO
 VACATE ORDER OF DISMISSAL

JUDGE: HON. JEREMY FOGEL
 COURTROOM: 3

The court entered a conditional order of dismissal following the settlement of the above matter on January 4, 2008. The agreed consideration for that settlement has not been delivered. Plaintiff hereby requests that the court vacate the order of dismissal and set the matter back on the calendar.

Date: 3-14-2008

DIEMER, WHITMAN & CARDOSI, LLP

By: /s/
JOHN P. CARDOSI
 Attorneys for plaintiff

CERTIFICATION THAT SETTLEMENT
 CONSIDERATION HAS NOT BEEN DELIVERED
 AND REQUEST TO VACATE ORDER OF DISMISSAL

1
2 I, John P. Cardosi, declare under penalty of perjury under the laws of the United States that
3 the foregoing is true and correct. Executed by me on March 14, 2008 at San Jose, CA
4

5 _____
6 /s/
7 JOHN P. CARDOSI

8 3/17/08 IT IS SO ORDERED. A Status Conference is scheduled for Friday, April 4, 2008 at 10:30 AM.
9 Please report at that time to Courtroom 3 on the 5th floor of the US District Courthouse.
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12 US District Court Judge, Jeremy Fogel
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CERTIFICATION THAT SETTLEMENT
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JOHN P. CARDOSI, #111381
DIEMER, WHITMAN & CARDOSI, LLP

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Case Name: Bruno v. San Jose Unified

Case No.: 07-C-02179 JF

Hearing: None

CERTIFICATE OF SERVICE

I declare that I am employed in the County of Santa Clara, California; I am over the age of 18 years, and not a party to the within entitled cause; my address is 75 East Santa Clara Street, Suite 290, San Jose, California 95113.

On 3-14-2008, I served a copy of:

CERTIFICATION THAT SETTLEMENT CONSIDERATION HAS NOT BEEN
DELIVERED AND REQUEST TO VACATE ORDER OF DISMISSAL

BY MAIL, OR AS OTHERWISE NOTED, by placing a true copy thereof enclosed in a sealed envelope addressed to:

David E. Lyon
Ruiz & Sperow, LLP
Watergate Tower III
2000 Powell Street, Suite 1655
Emeryville, CA 94608

I am familiar with the firm's practice for collecting and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Jose, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury, under the laws of California, that the foregoing is true and correct. Executed on March 14, 2008, at San Jose, California.

/S/
John P. Cardosi

CERTIFICATION THAT SETTLEMENT
CONSIDERATION HAS NOT BEEN DELIVERED
AND REQUEST TO VACATE ORDER OF DISMISSAL